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**Z-2570**  
**J.D. & D. FUNERAL CORP.**  
**AA to NB**

**STAFF REPORT**  
**May 15, 2014**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner Jonathan Fisher, Secretary of J.D. & D. Funeral Corp., with consent of owner Dawn Fisher, and represented by attorney Daniel Teder, is requesting rezoning of 9409 S. 700 E. to allow the reopening of a funeral home located near the southern edge of the unincorporated town of Stockwell, Lauramie 9 (SW) 21-3.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The site was originally zoned A, Agricultural. The current AA, Select Agricultural zoning was established in 1988 with the adoption of the second overall Lauramie Township zoning map (Z-1341).

Stockwell, because it is unincorporated, does not have an official town boundary. Old zoning maps for Stockwell found in the APC office show the unofficial edge of town as being adjacent to the north of this rezone site which placed this property outside of Stockwell. This boundary also marks the change in zoning between R1 to the north (on the old Stockwell map) and AA for this site and all surrounding property to the east, south and west (on the overall Lauramie Township map).

For a small, unincorporated town, there have been a surprising number of rezones heard within Stockwell in the last decade: there was an attempt to rezone three vacated lots on Church Street from R3 to A to allow placement of a mobile home in October which was denied (McIntyre, Z-2548), 2 lots on Yorktown were rezoned from GB & NB to NBU in 2011 (Easterbrook, Z-2452), 2 lots on Monroe Street were rezoned from NB to R1 in 2009 (Morgan, Z-2413) and a lot on Attica Street was also rezoned from NB to R1 in 2007 (Evans, Z-2343).

**AREA LAND USE PATTERNS:**

The site has a small building once used as a funeral home with a canopy leading to the front door; there is also a two-car garage to the rear. Petitioner plans to build an addition to the back of the building. There are two or three houses to the south of the property in question all of which are surrounded by farmland. To the north are more single-family homes. Offices and historic storefronts are located in the center of the town to the north.

**TRAFFIC AND TRANSPORTATION:**

CR 700 E is classified as a rural secondary by the adopted *Thoroughfare Plan*. Parking in the NB zone is required to be paved and striped; the UZO requires a funeral home

have 1 space per 200 square feet of gross floor area in addition to the two spaces for a residential use.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

In the last few years, sewer has been installed in Stockwell and this site is now served by sanitary sewer. Like all properties in Stockwell, the site is served by an individual water well. The redevelopment of an NB-zoned lot surrounded by AA zoning would require a type B bufferyard and a type C buffer would be required adjacent to R1 zoning.

**STAFF COMMENTS:**

Generally, staff does not favor commercial zoning out in the county. These sites do not usually have sewer, they tend to be spots of GB surrounded by farmland and usually on major highways. This is not entirely the case here.

Although it is unknown when the funeral home came to be here, whether before 1965 which would have made it legally nonconforming, or after 1965 which would have technically made it an illegal use, the site has a history of this use and its building is still in place. It is unlikely that if petitioner's plans change or if the funeral home does not last, that a McDonald's or CVS would locate on site. The property is too small and the road too lightly travelled to generate that sort of high intensity commercial interest.

Historically, funeral homes have also been used residentially and that is petitioner's plan for this one. Maintaining a residence on site will keep the character of the building more like the residences around it and less like a commercial business. Although staff would prefer to support commercial growth in our small towns in their historic commercial centers, because this site has a history as a funeral home and is served by sanitary sewer, staff can support this request for Neighborhood Business zoning.

**STAFF RECOMMENDATION:**

Approval